

**A JOINT RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
FOR THE CONSTRUCTION OF THIRD CREEK WEST REGIONAL
IMPROVEMENTS AND ESTABLISHING REIMBURSEMENT TERMS**

**NO. 2021-90
ECAGID NO. 21-08
ERAGID NO. 21-04**

WHEREAS, the E-470 Commercial Area General Improvement District (“ECAGID”) and the E-470 Residential Area General Improvement District (“ERAGID”) (together, the “GIDs”) are public or quasi-municipal subdivisions of the State of Colorado and bodies corporate, duly and regularly created as general improvement districts under the Constitution and laws of the State, in particular the General Improvement District Act constituting Sections 31-25-601 et seq., C.R.S. (the “General Improvement District Act”), and pursuant to Ordinances of the City of Commerce City, Colorado (the “City”);

WHEREAS, the Districts were established to undertake the design, acquisition, construction, completion and installation of public improvements permitted pursuant to the General Improvement District Act, including, but not limited to, water, storm sewer, sanitary improvements within and without the boundaries of the Districts;

WHEREAS, Third Creek Metropolitan District No. 1 (“Third Creek”) is a quasi-municipal corporation and political subdivision of the State of Colorado and body corporate, duly and regularly created as a special district under the laws of the State of Colorado, in particular the Special District Act, C.R.S. §§ 32-1-101 et seq., and existing subject to the Consolidated Service Plan for Third Creek Metropolitan District Nos. 1-3;

WHEREAS, the GIDs have committed to fund certain regional improvements needed to serve development east of the E-470 Public Highway in the City’s current boundary and its future growth area, as detailed in that Annexation and Inclusion Agreement dated November 3, 2020, and amended as of April 6, 2021, related to the property known as Third Creek West in annexation cases AN-19-253 and AN-19-254 and inclusion cases ECAGID-012-19 and ERAGID-002-19;

WHEREAS, the GIDs, the City, and Third Creek desire to establish terms for the design and construction of the Project, the reimbursement of costs related thereto, and the ECAGID’s administration of funds on behalf of the ERAGID, as set forth in the Intergovernmental Agreement attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, THE BOARD OF DIRECTORS OF THE E-470 COMMERCIAL AREA GENERAL IMPROVEMENT DISTRICT, AND THE BOARD OF DIRECTORS OF THE THE E-470 RESIDENTIAL AREA GENERAL IMPROVEMENT DISTRICT AS FOLLOWS:

1. Findings. The recitals to this resolution are incorporated as findings of the City Council and the Boards of the GIDs. This resolution is found to be necessary for the preservation

of the public health, safety, and welfare and in the public interest.

2. Approval. The Intergovernmental Agreement, substantially in the form attached hereto as Exhibit A, is hereby approved and the Mayor and Chairperson and the Clerk and Secretary are hereby authorized and directed to execute and attest to the Intergovernmental Agreement on behalf of the City and the GIDs.

RESOLVED AND PASSED THIS 20TH DAY OF SEPTEMBER 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

E-470 COMMERCIAL AREA GENERAL
IMPROVEMENT DISTRICT

Benjamin A. Huseman, Chairperson

ATTEST

Dylan A. Gibson, Secretary

E-470 RESIDENTIAL AREA GENERAL
IMPROVEMENT DISTRICT

Benjamin A. Huseman, Chairperson

ATTEST

Dylan A. Gibson, Secretary